

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

WILLIE NASH,

Plaintiff,

v.

KATHLEEN HEYDE, et al.,

Defendants.

ORDER

Case No. 16-cv-223-wmc

On January 9, 2019, the court dismissed this case with prejudice for plaintiff Willie Nash's failure to prosecute it after Nash had missed two deadlines (December 7, 2018, and December 28, 2018) to oppose defendants' motion for summary judgment. (Dkt. #32.) On February 6, 2019, the court granted Nash's motion to reopen, but denied his request for assistance in recruiting counsel and gave him until March 6, 2019, to file a response to defendants' motion for summary judgment. That day passed without any submission. Still, on May 8, when Nash requested another extension, the court gave him one more extension -- until May 22, 2019 -- to respond to defendants' motion for summary judgment, telling Nash that he should not expect another extension and that his failure to respond to defendants' motion would result in dismissal of this action. (Dkt. #38.) That deadline has long since passed, but Nash has not filed an opposition to defendants' motion. While Nash did call the court on May 21 to inquire about another extension, he has not actually submitted such a motion with the court. At this juncture, Nash's behavior does not suggest that he is interested in prosecuting this action, and thus dismissal of this action for failure to prosecute is appropriate. *James v. McDonald's Corp.*, 417 F.3d 672, 681 (7th

Cir. 2005) (“A district court has the authority under Federal Rule of Civil Procedure 41(b) to enter a sua sponte order of dismissal for lack of prosecution.”).

ORDER

IT IS ORDERED that plaintiff Willie Nash’s claims in this lawsuit are DISMISSED with prejudice for failure to prosecute. The clerk of court is directed to enter judgment in defendants’ favor and close this case.

Entered this 19th day of June, 2019.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge